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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

From: Robert Somers, Mass Media, Policy and Rules Division
To: Secretary's Office
DATE: 7/25/97
Subject: Ex parte filing

Attached are comments that should be filed as ex parte comments in MM Docket No. 91-221 and 87-8.

If you have any questions, please call me at 418-2135.

FAX

from

Senator Dale Bumpers

MMB
MM
4613

Phone (202) 224-4843 229 Dirksen Bldg., Washington, D.C. 20510
FAX (202) 224-6435

DATE: 9-01-97

TO: Lou Sizemore
FCC

FAX NUMBER TO: 418-2806

FROM: Michele Scherz

PHONE: 224-6432

TOTAL NUMBER OF PAGES, 6 INCLUDING COVER PAGE.

COMMENTS: Attached are 2 letters from Constituents. Please let me know the status of their concerns.
Thank You — Michele Scherz

FOX 16 KLRT KASN 38 UPN
The Arkansas Results Channels

June 2, 1997

'97 JUN -6 AM 7:59

Honorable Dale L. Bumpers
United States Senate
229 Senate Dirksen Building
Washington DC 20510-0401

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Dear Senator Bumpers:

I am writing to you about a potential FCC ruling that could dramatically affect the viewing public in your state. For the past four years my station, KLRT has been part of a local marketing agreement, LMA, with station KASN. Under the agreement, my station provides programming, technical and financial help to KASN. The FCC is now proposing new rules that will effectively terminate this arrangement. This would not only harm my station, but more importantly, deny viewers access to top quality programs.

Prior to this agreement, station KASN was providing little service to the public. By using the resources of my station, KASN now broadcasts: a weekly public affairs show "Take 38"; Big 12 Football each year; and children's programming four hours weekly. Without this local market combination, there would be less top quality programming and service would decline.

Despite these demonstrable benefits, the FCC proposes to prohibit these arrangements. Specifically, the Commission proposes to limit my local marketing agreement to the term of my existing contract. There could be no renewals or extensions, even though service to the public has improved. Also, unlike other programming contracts, my arrangement would automatically terminate if either station is sold.

These new restrictions undermine my existing local marketing agreement. My station has invested hundreds of thousands of dollars improving KASN. All of this investment could be lost if KASN decides to sell its station. Also, it makes little sense to enter into long term contracts with program suppliers if my local marketing agreement cannot be renewed. Finally, the FCC's proposals directly conflict with the 1996 Telecommunications Act, which grandfathered existing local marketing agreements.

Everyday my station competes with other local television stations, scores of cable channels and new DBS satellite services. Soon I will be competing with video programs over the Internet and telephone company video systems. Competition for viewers and advertisers is fierce and intensifying. Given this competition, it is impossible for local market combinations to stifle diversity or thwart economic competition.

Frankly, it no longer makes sense for the FCC to have a rule which limits free, over-the-air television broadcasters to one channel per market. Given today's multi-channel competition it has become increasingly difficult for an individually owned station to compete. Television stations, especially UHF stations, must be free to combine with other local stations if free over-the-air television is to meet competitive challenges. For example, unless local combinations are permitted, many UHF stations like KASN, will not be able to afford the transition to digital television. Local market combinations are pro-competitive and improve both the quantity and quality of programming.

11711 West Markham Little Rock, AR 72211 501/225-0016 Fax 501/225-0428

www.klrt.com · www.kasn.com

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I respectfully request that you contact the Federal Communications Commission and urge it to comply with the intent of the 1996 Telecommunications Act by insuring the continuation of the local market combinations. The simplest and most equitable way to accomplish this is to relax the duopoly rule to permit the common ownership of two television stations in a local market. Enclosed you will find a suggested draft letter to submit to the Federal Communications Commission.

Sincerely,

Jerry Whitener

Jerry Whitener
VP/General Manager-KLRT

Enclosure